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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,079	02/18/2005	Mitsuya Okada	01460048AA	5067

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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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01/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,079	<b>Applicant(s)</b> OKADA ET AL.	
	<b>Examiner</b> P. Agustin	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 7-9 & 16-22 are currently pending.

***Election/Restrictions***

2. Applicant's election without traverse of Group III, claims 19-22, in the reply filed on December 26, 2007 is acknowledged.
3. Claims 7-9 & 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 26, 2007.
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Priority***

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

6. The title of the invention is lengthy and not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation “said recording layer” in lines 3-4. It is unclear as to which “recording layer” this limitation refers (note that base claim 19 recites a plurality of recording layers), or whether this refers to each of the recording layers, rendering the claim indefinite.

Claim 21 recites the limitation “the other recording layer” in lines 4-5. It is unclear whether this refers to (a) one of the other recording layers (and which one) or (b) all of the other recording layers, rendering the claim indefinite.

Claim 22 recites the limitation “said recording layer” in line 4. It is unclear as to which “recording layer” this limitation refers (note that base claim 19 recites a plurality of recording layers), or whether this refers to each of the recording layers, rendering the claim indefinite.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Yokogawa et al. (US 5,608,715).

In regard to claim 19, Yokogawa et al. disclose an optical information recording and reproducing medium (Figure 23) having a plurality of recording layers (first through m-th data recording layers) which allow recording and reproducing (see title) by irradiation with a laser beam (output of Figure 18, element 311), characterized in that each recording layer (first through m-th data recording layers) comprises a recording area (D1 through Dm) in which user data is recorded, and a recording management area (TOC<sub>1</sub> through TOC<sub>m</sub>) in which recording layer management information (each recording layer is represented by the subscripts 1 through m) containing at least information indicating recording states of a plurality of areas into which the inside of said recording area is divided is recorded (understood from table of "contents" TOC), and recording layer management information of one recording layer (e.g., TOC<sub>1</sub>) is recorded in each of the recording management areas of said one recording layer (first data recording layer) and one or more recording layers (see second through m-th data recording layers, which all contain TOC<sub>1</sub>) farther from a laser beam incident surface (first data recording layer (initial surface)) than said one recording layer (first data recording layer).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 20 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokogawa et al. in view of Ogawa et al. (US 6,850,469).

For a description of Yokogawa et al., see the rejection above. However, Yokogawa et al. do not disclose: in regard to claim 20, that defect management information indicating a defect position of said recording layer is further recorded in the recording management area of each recording layer; and in regard to claim 21, that the defect management information of said one recording layer is recorded in a recording management area of the other recording layer.

Ogawa et al. disclose: in regard to claim 20, defect management information (column 12, lines 56-57: “the rewritable areas of the lead-in area and lead-out area 204 have a DMA”) indicating a defect position of a recording layer recorded in a recording management area of each recording layer (column 12, lines 58-60: “each recording layer has the lead-in area and lead-out area 204”); and in regard to claim 21, that the defect management information of one recording layer (interpreted as a DMA in the lead-in area and lead-out area of one of the layers) is recorded in a recording management area of the other recording layer (column 12, lines 58-60: “each recording layer has the lead-in area and lead-out area 204”, the lead-in and lead-out areas also having the DMA).

It would have been obvious to one of ordinary skill in the art at the time of invention to have provided the defect management information of Ogawa et al. to the recording management areas of Yokogawa et al., the motivation being to seamlessly record large-size continuous data with high efficiency (column 5, lines 59-65).

14. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokogawa et al. in view of Ohta (US 6,751,171).

For a description of Yokogawa et al., see the rejection above. However, Yokogawa et al. do not explicitly disclose: in regard to claim 22, that a guide groove of a wobbling shape is formed in at least one track of said recording layer, and the guide groove of the wobbling shape is subjected to track modulation for indicating a track address.

Ohta discloses: in regard to claim 22, a guide groove of a wobbling shape (see Figure 2) formed in at least one track of a recording layer, and the guide groove of the wobbling shape is subjected to track modulation for indicating a track address (column 4, lines 21-30: “wobbling signals for controlling the rotational speed or for serving as the track address information by meandering the pre-groove”).

It would have been obvious to one of ordinary skill in the art at the time of invention to have applied the teachings of Ohta to the medium of Yokogawa et al., the motivation being to suppress loop gain variations, thereby enabling accurate tracking (column 2, lines 30-35).

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuroda et al. (US 5,703,854) disclose spiral pregrooves (guide grooves) formed in advance on a recordable magneto-optical disc for tracking control, wherein the pregrooves are recorded by frequency modulation based on absolute address data covering all the tracks of the disc.

Satoh et al. (US 5,764,620) disclose a multilayered disk having identification sections IDa and IDb wherein each identification section IDa or IDb comprises a section SYNC for

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synchronizing clocks, an address mark AM indicating a start of an address signal, a track address TA, a sector address SA and a recording layer address LA.

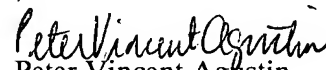
Narumi et al. (US 2003/0185121) disclose a multilayered disk wherein each layer has a lead-in and a lead-out area, and an area for recording management information of the optical disc and/or a test recording area is provided in the lead-in area and the lead-out area.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Peter Vincent Agustin  
Patent Examiner  
Art Unit 2627